

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 4

REMARKS

The following remarks Claims 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20 are currently pending in the application, claims 1-7, 19, and 21-28 having been deleted in this amendment. Claims 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20 stand rejected under 35 U.S.C. §103(a). The foregoing amendments are believed to place the claims in position for allowance for the reasons discussed below.

The Present Invention

In order to expedite the allowance of claims 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20, Applicant has deleted claims 1-7, 12, 19, and 21-28. The present invention, as set forth in claims 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20, is directed to a power source that comprises a source of illumination such that the device can operate as a flashlight. The claimed device includes terminals allowing the user to connect the power source to an electrical device, such as a communication device. The resulting combination will provide a power source to operate a variety of devices that has a source of illumination to allow the user to illuminate the surrounding area.

Applicants have amended the Specification and Claim 9 to reflect changes based on objections due to informalities pointed out by the Examiner on pages 2-3 of the June 14, 2001 Office Action. These amendments are supported throughout Applicants' specification.

In the following paragraphs Applicants provide additional reasons why the present claims are patentable over the cited references.

Claims 8-11, 13-18, and 20-- 35 USC §103(a)

The rejection to claims 8, 9, 10, 13, 15, 17, and 18 as obvious under 35 USC §103(a) over Soon, U.S. Patent No. 5,901,206, is respectfully traversed.

The present invention claims a power source unit (power pack) for a variety of electrical devices designed with a built-in source of illumination. The power pack will be a component part of a portable device and will attach to the device as an integral unit such that

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 5

the lens is not covered. The illumination from the power pack will shine outward from the device so as to illuminate the surrounding area. The power pack will provide electricity for the source of illumination within the housing of the power pack, as well as electricity for the device to which it is attached. While such a power pack could be used on a portable telephone, the illumination is not originating from the phone itself, but rather from the power pack attached to the phone.

In contrast, Soon discloses a portable telephone that is powered by a battery (col 3, lines 15-16), with a flashlight that extends axially from the top face of the portable telephone (col 3, lines 19-21). It should be noted that in Soon the flashlight apparatus is enclosed in the housing of the portable telephone (col 3, lines 23-26), not in a separable power pack. Furthermore, other than general references to a battery (col 3, lines 16 and 43-45), Soon makes no specific mention of the design or placement of the power source.

Thus, Soon is directed at a telephone which emits light, not a power pack for general use with separate patentable features, as explained above. Claims 9, 10, 13, 15, 17, and 18, are dependant upon non-obvious independent claim 8. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 8, 9, 10, 13, 15, 17, and 18 as obvious under 35 USC §103(a).

Claim 11 stands rejected as being unpatentable over Soon, U.S. Patent No. 5,901,206 and Korycan, U.S. Patent No. 5,950,139. Applicants respectfully traverse the rejection.

Korycan discloses a device with LED's as a luminous signal quality indicator. The LED's are not used to illuminate the users surroundings as they are in the present invention. Additionally, Korycan, does not disclose or suggest a removable power source and source of illumination combined in one unit. Further, claim 11 depends on non-obvious claim 8 and is neither disclosed, suggested, or is obvious in the prior art. Therefore, claim 11 is considered to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 11.

Claims 14, and 16 have been amended to depend on non-obvious claim 8 as discussed

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 6

above. Support for these amendments can be found in original claims 11 and 12 and in the Specification on page 14, lines 16-20. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 14 and 16 under 35 USC §103(a).

Claim 20 stands rejected under 35 USC §103(a) over the teachings of Soon, U.S. Patent No. 5,901,206. As stated earlier, Soon discloses a portable telephone with a flashlight incorporated therein. The present invention relates to an illumination device incorporated into the housing of a power pack which can be used in a multitude of different electrical devices. Soon does not disclose or suggest that the illumination device is incorporated into the battery pack and can be removed from the phone. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 20 under 35 USC §103(a).

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 7


Conclusion

All alleged bases for rejection have been properly traversed or rendered moot in view of the foregoing amendment and remarks. Accordingly, Applicants respectfully request that all outstanding rejections be withdrawn, and that the application be allowed. Early notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at (336) 607-7315 to discuss any matter relating to the application.

Respectfully submitted,

Date: 4/12/02

By: 
Charles W. Calkins
Reg. No. 31,814

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101
(336) 607-7300

36097-180305
WINLIB01:942480.1

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 8

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amendments to the Specifcaiton:

In accordance with 37 CFR 1.121(b), the amendments made to the specification are detailed below (additions underlined; deletions [bracketed].)

Page 1, first full paragraph, lines 3-6:

(Once Amended) The present invention relates to communication devices which include a light source for viewing objects. Embodiments of the present invention include cordless telephones, cellular telephones, paggers [pages] and the like. The present invention also relates to power source units ("power packs") for portable devices which include a light source.

Page 4, second full paragraph, lines 11-20:

(Once amended) The power source may comprise a source of direct current, for example a battery. The power source utilized to power the source of illumination may be the same or different as the power source for the communication circuits of the communication device. In the case of a battery power source, the battery may be rechargeable or disposable and may comprise a nickel metal hydride (NiMh) battery; a nickel cadmium [cadium] battery; a battery comprising mercury, cadmium [cadium], zinc, lead, silver, manganese, lithium, combinations thereof and oxides thereof, including lithium thionyl chloride, lead acid, lithium magnesium dioxide, lead dioxide, alkaline manganese, zinc chloride and/or zinc oxide. In general most if not all forms of alkaline or non-alkaline batteries may be utilized as a battery power source.

Page 6, first full paragraph, lines 1-5:

(Once amended) As will be recognized from the description contained herein, a power source unit of the present invention may be utilized as a power source in a wide variety of portable devices including, but not limited to, tools, communication devices, portable audiovisual devices (radios, televisions, and the like) cameras, and other portable

Serial No. 09/138,920
Express Mail No. EV 032 196 462 US
Page 9

devices.[.]

Amendments in the Claims:

In accordance with 37 CFR 1.121(b), the following claims show all the changes made by the foregoing amendments relative to the previous versions of the claims (additions underlined; deletions [bracketed].)

Claims 9, 14, and 16 are amended as follows:

Claim 9. (Once amended) The power source unit of claim 8 [1] further comprising a switch in electrical communication with the power source and the source of illumination.

Claim 14. (Once amended) A cordless telephone comprising the power source unit of claim 8 [12].

Claim 16. (Once amended) A cellular telephone comprising the power source unit of claim 8 [12].